



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 2, 1998

Mr. Leo Villarreal
Villarreal & Alvarez
701 E. King
Kingsville, Texas 78364

OR98-2915

Dear Mr. Villarreal:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 120094.

The Kingsville Independent School District (the "district") received a request for a list of the district's bus drivers and their dates of birth. You explain that the only documents maintained by the district that furnish a bus driver's date of birth are his driver's license and his Texas Department of Public Safety Medical Examination Report. You claim that since the date of birth is contained only in motor vehicle records, the requested information is excepted from disclosure under section 552.130 of the Government Code. We have considered the exception you claim and reviewed the representative sample documents.¹

Section 552.130 governs the release and use of information obtained from motor vehicle records. Section 552.130 provides in relevant part as follows:

- (a) Information is excepted from the requirement of Section 552.021 if the information relates to:
 - (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

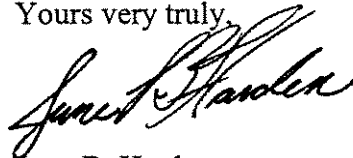
(2) a motor vehicle title or registration issued by an agency of this state[.]

Gov't Code § 552.130. Therefore, we conclude that the district must withhold copies of Texas drivers' licenses pursuant to section 552.130(a)(1).

We also note that the Texas Department of Public Safety Medical Examination Report is protected by the Medical Practice Act (the "MPA"), article 4495b of Vernon's Texas Civil Statutes. The MPA protects from disclosure "[r]ecords of the identity, diagnosis, evaluation, or treatment of a patient by a physician that are created or maintained by a physician." V.T.C.S. art. 4495b, § 5.08(b). The MPA provides for both confidentiality of medical records and certain statutory access requirements. *Id.* at 2. Consequently, the medical report may only be released as provided by the MPA.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 120094

Enclosures: Submitted documents

cc: Mr. Mike Wallace
Corpus Christi Caller Times
P.O. Box 9136
Corpus Christi, Texas 78469
(w/o enclosures)